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GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

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CS Bond ST AB-Holding, LLC, : CASE #16-PRO-000006

8

t/a The Carlyle Hotel :

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1731 New Hampshire Ave Nw :

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License #90805 :

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Retailer CH ANC 2B

12

Substantial Change :

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Wednesday, March 9, 2016 :

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Wednesday, March 9, 2016

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Whereupon, the above referenced matter

18

came on for hearing at the Alcoholic Beverage

19

Control Board, Reeves Center, 2000 14th Street,

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N.W., Suite 400 S, Washington, D.C. 20009.

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OLENDER REPORTING, INC.

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1 CHAIRPERSON: DONOVAN ANDERSON, Presiding

2

3 MEMBERS OF THE BOARD

4 NICK ALBERTI, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6 JAMES SHORT, BOARD MEMBER

7 MIKE SILVERSTEIN, BOARD MEMBER

8

9 JESSICA FARMER, ESQUIRE, HOLLAND AND KNIGHT

10 On behalf of The Carlyle

11 MATT WEXLER,

12 On behalf of the Carlyle

13 BRUCE A. COHEN,

14 On behalf of Group of 45

15

16 OTHER PERSONS PRESENT

17 Ralston Cox

18 Peter Sacco

19 Charles Ellis

1 P R O C E E D I N G S

2 CHAIRPERSON ANDERSON: I would like to
3 welcome you to this meeting of the District of
4 Columbia Alcoholic Beverage Control Board.

5 Please know that today's hearings will be
6 conducted in accordance with D.C. Official Code
7 Section 2574 of the Open Meetings Act. Today is
8 March 9, 2016. I would first like to introduce
9 the members of the board with us today.

10 To my far right is Ms. Ruthanne Miller, to my
11 immediate right is Mr. Nick Alberti, to my far
12 left is Mr. Mike Silverstein and to my immediate
13 left is Mr. James Short. My name is Donovan
14 Anderson and I'm the Chairperson of the board.
15 The board has five members in attendance for
16 conduct of business today and this constitutes a
17 quorum.

18 I would like to mention two things before
19 we get started. First of all, if you have any
20 electronic devices, pagers, cell phones or such,
21 please make certain that they are turned off to
22 avoid any interruption of the proceedings.

1 Secondly, there is a piece of paper on the table.
2 When you come forward as this case is called,
3 please take a seat at the table and please sign
4 in. This is to ensure the correct spelling of
5 your name for the record. I would like to note
6 that the time is approximately 9:41

7 Our first order of business today is the
8 Protest Hearing (status) of Case #16-PRO-00006,
9 License #90805. Would the parties please
10 approach? You can pull up a chair, sir, if you
11 need to sit. And can we have starting, everyone
12 identify yourself for the record, please.

13 MS. FARMER: Jessica Farmer of Holland
14 and Knight on behalf of the Carlyle.

15 MR. WEXLER: Good morning. Matt Wexler,
16 also on behalf of the Carlyle.

17 CHAIRPERSON ANDERSON: What is your role
18 at the Carlyle, sir?

19 MR. WEXLER: I am the president of CS
20 Bond AB-C Holdings, LLC.

21 CHAIRPERSON ANDERSON: She identified her
22 -- Ms. Farmer identified herself as the attorney,

1 so I just wanted to make sure that we know. Yes
2 sir.

3 MR. COHEN: My name is Bruce A. Cohen,
4 I'm the designated representative for 45
5 individuals in the neighborhood.

6 CHAIRPERSON ANDERSON: Good morning, sir.

7 MR. COX: My name is Ralston Cox, I'm an
8 abutting property owner.

9 CHAIRPERSON ANDERSON: Good morning, sir.

10 MR. SACCO: Peter Sacco, Executive
11 Director of ANC2B.

12 MR. ELLIS: I'm Charles Ellis. I'm an
13 abutting property owner on the other side.

14 CHAIRPERSON ANDERSON: Do I have everyone
15 signed on the sheet? All right. Are there any
16 preliminary matters?

17 MS. FARMER: No.

18 CHAIRPERSON ANDERSON: All right, this
19 matter is set for a hearing on April 27, at 4:30.

20 MR. COHEN: Mr. Chairman? If I may? I will
21 be out of town that day but I am designating
22 someone to sit in for me, can I be apprised

1 somehow of the procedures if I need to transfer.

2 CHAIRPERSON ANDERSON: You're talking
3 about the procedure to designate someone or the
4 procedure to --

5 MR. COHEN: To designate a substitute for
6 me. Do I just send a letter to you?

7 CHAIRPERSON ANDERSON: Send a letter to -
8 - to -- to the general counsel basically stating
9 who you are and that your -- you're -- you're
10 requesting that this person stand in for you at
11 that time [inaudible 4:15] and also make sure
12 that you share a copy with counsel.

13 MR. COHEN: Of course.

14 CHAIRPERSON ANDERSON: So if we have the
15 hearing and the person's here then she would not
16 state that she was not on notice that you were
17 not going to be there.

18 MR. COHEN: It goes without saying I
19 would notify.

20 CHAIRPERSON ANDERSON: Right. Now, I
21 just want to let you know that the purpose of a
22 protest hearing is to determine the

1 appropriateness of -- appropriateness of the
2 establishment in the section of the district
3 where the establishment is located, pursuant to
4 section 23.1 607. As you know I already told you
5 that the hearing is April 27 at 9:30. I would
6 just like to give you a few things to -- to let
7 you be aware of the process that should be
8 followed. The protest -- make sure that when we
9 have our hearing, if we do have our hearing, it's
10 focused on the issues -- only the issues that are
11 in the protest.

12 The board does not attempt to hear
13 testimony in matters that are not relevant to the
14 issues. You should receive by electronic or
15 regular mail a letter explaining the protest
16 process, a copy of the protest information form
17 and a copy of the exhibit form. If you do not
18 have these documents please contact our assistant
19 General Counsel, Ms. April Randall, following the
20 hearing, and Ms. Randall is sitting right here.
21 It is imperative that you review the rules
22 closely and adhere to them before and during the

1 protest hearing. You are also required to
2 complete and submit the protest information form
3 and the exhibit form seven days before the date
4 of the hearing.

5 These two forms and accompanying
6 documents need to be submitted to ABRA's legal
7 division and all opposing parties in this matter.
8 If we do not receive a copy of your PIP, your
9 application, or your protest, whichever side you
10 are representing may be subject to dismissal.
11 Likewise, if we do not receive a copy of the
12 exhibit form and the exhibits themselves, your
13 exhibits may be excluded from the record a
14 finding that the opposing party has been
15 prejudiced or no good cause for the failure to
16 submit has been shown.

17 Likewise, witnesses other than the party
18 may also be subject to exclusion if not
19 identified in your PIP. Accordingly, these forms
20 are very important. They greatly assist the
21 board in narrowing the protest issues
22 facilitating the process and keeping the parties

1 on point during the hearing. They likewise
2 provide notice to opposing parties enabling them
3 to better prepare for the hearing.

4 Does anyone have any questions? No? If
5 not, well good luck, and if not we will see you
6 here on April 27th at 4:30, okay? Thank you.

7 MR. COHEN: Thank you.

8 MR. ELLIS: Thank you.

9 MR. FARMER: Thank you.

10 {Whereupon the above-entitled matter was
11 concluded.)

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